

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE. 3W/5 Sue Creek Drive, 2112 ft. SE of Turkey Point Road 1955 Sue Creek Drive 15th Election District 5th Councilmanic District

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 92-152-A

Robert Michael Kropp, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for their property in a D.R.5.5 to allow a side yard setback of 1.75 ft. in lieu of the required 10 ft. for an addition, as more particularly described on Petitioners' Exhibit No. 1

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DERM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of Dec, 1991 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1.75 ft. in lieu of the required 10 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 8, 1991

Mr. and Mrs. Robert Michael Kropp
1955 Sue Creek Drive
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 92-152-A

Dear Mr. and Mrs. Kropp:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1955 Sue Creek Drive, Baltimore, Maryland 21221 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
As our home is small and we have only two bedrooms in our upstairs - we would like to build an addition to the side of our home. This would allow us another bedroom in the upstairs plus the additional storage necessary for our growing family as we are thinking of having another child.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a repeating and advertising fee and may be required to provide additional information.

Robert Michael Kropp
AFFIANT (Handwritten Signature)
Robert Michael Kropp
AFFIANT (Printed Name)

Margie Louise Kropp
AFFIANT (Handwritten Signature)
Margie Louise Kropp
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 15th day of Oct, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT MICHAEL KROPP and MARGIE LOUISE KROPP
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Oct 1 1991
Karin K. Amato
NOTARY PUBLIC
My Commission Expires: Nov-1-1994

CRITICAL AREA

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE WEST SIDE OF SUE CREEK DRIVE WHICH IS 2,112 FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET NAMED TURKEY POINT ROAD. BEING LOT #38, BLOCK# - , SECTION # - IN THE SUBDIVISION OF SUE CREEK LANDING AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #2, FOLIO #7 CONTAINING 5,699 SQUARE FEET. ALSO KNOWN AS 1955 SUE CREEK DRIVE AND LOCATED IN THE #15 ELECTION DISTRICT.

92-152-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15-1 Date of Posting: 11/8/91
Posted for: Robert Michael Kropp
Petitioner: Robert Michael Kropp
Location of property: 1955 Sue Creek Drive, Baltimore, MD 21221
Location of Sign: 1955 Sue Creek Drive, Baltimore, MD 21221
Remarks: None
Posted by: [Signature] Date of return: 11/12/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

NOV 15 1991
FOLIO 7
PLAT BOOK 2
SECTION 15
BLOCK 38
LOT 38

0A00+WC02+MTCR0 \$40.00
F1 C010700-110-04-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a variance from Section 1B02.3.C.1 to allow a side yard setback of 1.75 feet in lieu of the required 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

As our home is small and we have only two bedrooms in our upstairs - we would like to build an addition to the side of our home. This would allow us another bedroom in the upstairs plus the additional storage necessary for our growing family as we are thinking of having another child.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)
Signature
Address
City/State/Zip Code
Attorney for Petitioner:

Legal Owner(s):

Robert Michael Kropp
(Type or Print Name)
Signature
Margie Louise Kropp (wk#667-1310)
(Type or Print Name)
Signature

1955 Sue Creek Drive 682-5549
Address From
Baltimore, MD 21221
City/State/Zip Code
Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name
Address
Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of Oct, 1991, that the subject matter of this petition be posted on the property on or before the 15th day of Oct, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of Oct, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: DATE:

DATE
By

Baltimore County Government
Office of Zoning, Administration
and Development Management
Office of Planning & Zoning

October 10, 1991

887-3353

Robert and Margie Kropp
1955 Sue Creek Drive
Baltimore MD 21221

Re: CASE NUMBER: 92-152-A
LOCATION: 3W/5 Sue Creek Drive, 2112' SE of Turkey Point Road
1955 Sue Creek Drive
15th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refreshment regarding the administrative process.

1) Your property will be posted on or before October 20, 1991. The closing date is November 4, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

LAWRENCE E. SCHMIDT
Zoning Commissioner, Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
KN203267 2887-1293

J. Robert Haines
Zoning Commissioner

November 29, 1988

Mr. & Mrs. William G. Geiger
1950 Sue Creek Drive
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
NE/S Sue Creek Drive, 421.71' NW of the c/l of Willow Green Lane
(1950 Sue Creek Drive)
15th Election District - 5th Councilmanic District
William G. Geiger, et ux - Petitioners
Case No. 89-178-A

Dear Mr. & Mrs. Geiger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

Dave Flowers
Department of Environmental Protection & Resource Management

People's Counsel

File

CRITICAL AREA

October 4, 1991

Reference: 1955 Sue Creek Drive
Baltimore, MD 21221
Zoning Variance - Item #164

Mr. David Flowers
Co-Ordinator of Critical Area Program
401 Bosley Avenue, Room 416
Towson, MD 21204

Dear Mr. Flowers:

This letter is to confirm my conversation with your office on October 1, 1991. As stated, we are in the process of applying for a zoning variance. Our property is located at 1955 Sue Creek Drive. Attached is a copy of our site plan showing the proposed addition; the first level will be a 14' x 22' garage and the upper level a 16' x 24' room addition. I would like to point out that the addition will be built primarily where the driveway is now. We are not affecting the environment that much as both the driveway and the garage are impervious surfaces. Although the addition will extend beyond the end of the driveway, it will not be much at all.

Also, we will install infiltration devices on the addition's rain spouts to assist in water drainage back into the soil. We also plan on planting several shrubs and one additional tree in the rear yard.

Please feel to contact me (wk#667-1310 - hm#682-5549) if you have any questions.

I look forward to your response and recommendations.

Sincerely,

Mrs. Margie Kropp
1955 Sue Creek Drive
Baltimore, MD 21221

CRITICAL AREA

ARCHITECTURAL COMMITTEE
PROJECT PROPOSAL RESPONSE

NAME: Mr. & Mrs. Robert Kropp
ADDRESS: 1955 Sue Creek Drive, 21221 LOT #: 50

YOUR REQUEST RECENTLY SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR: Erection of attached 2 story addition to home on north end. Bottom will be garage (14' x 22' x 10' x 7' door on front and entrance door on rear. Top will be 14' x 24' w/Anderson windows of white trim on front approx. 4' x 4' and on rear a white Anderson Box window approx. 6' x 4'.

HAS BEEN APPROVED: "as submitted" and amended by phone...

BASIS: Covenant 9 allows for modification to your home provided your plan (s) are submitted to and approved by your Architectural Committee. As plan as submitted did not fully meet the requirements of covenant 9. Mr. Kropp was reached by telephone at his home address at 9:40 PM by the Chairman (Mansberger) at which time he satisfied the other requirements of covenant 9; in particular that the color of the siding on the addition will match the siding existing on his home and that the roof shingles will also match those existing on this home.

THERE IS CURRENTLY LITIGATION IN PROGRESS IN WHICH A MEMBER OF THIS ASSOCIATION HAS BROUGHT SUIT IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AGAINST ANOTHER MEMBER OF THIS ASSOCIATION BECAUSE THE OTHER MEMBER BUILT AN ADDITION ON THE REAR OF HIS HOME. THE MEMBER OF THE FIRST PART BELIEVES THAT ADDITIONS ON HOMES IN THIS COMMUNITY ARE A VIOLATION OF OUR COVENANTS. THIS CASE HAS NOT YET BEEN HEARD IN THE COURTS....

PLEASE DIRECT ANY INQUIRIES TO YOUR ARCHITECTURAL COMMITTEE

A. Glen Mansberger Jr.
A. GLEN MANSBERGER JR. 686-8231
Chairman

DATE: 9-25-91

Frederick H. Brown
FREDERICK H. BROWN
Co-Chair/Sec./Recording Sec.

DATE: 9-25-91

FOR THE ARCHITECTURAL COMMITTEE

APPROVAL - REQUIRES BOTH SIGNATURES

CASE NUMBER

92-152-A

PETITIONER'S EXHIBIT #



1955 Sue Creek Dr. from front



1955 Sue Creek Dr. from front



1955 Sue Creek Dr. from front

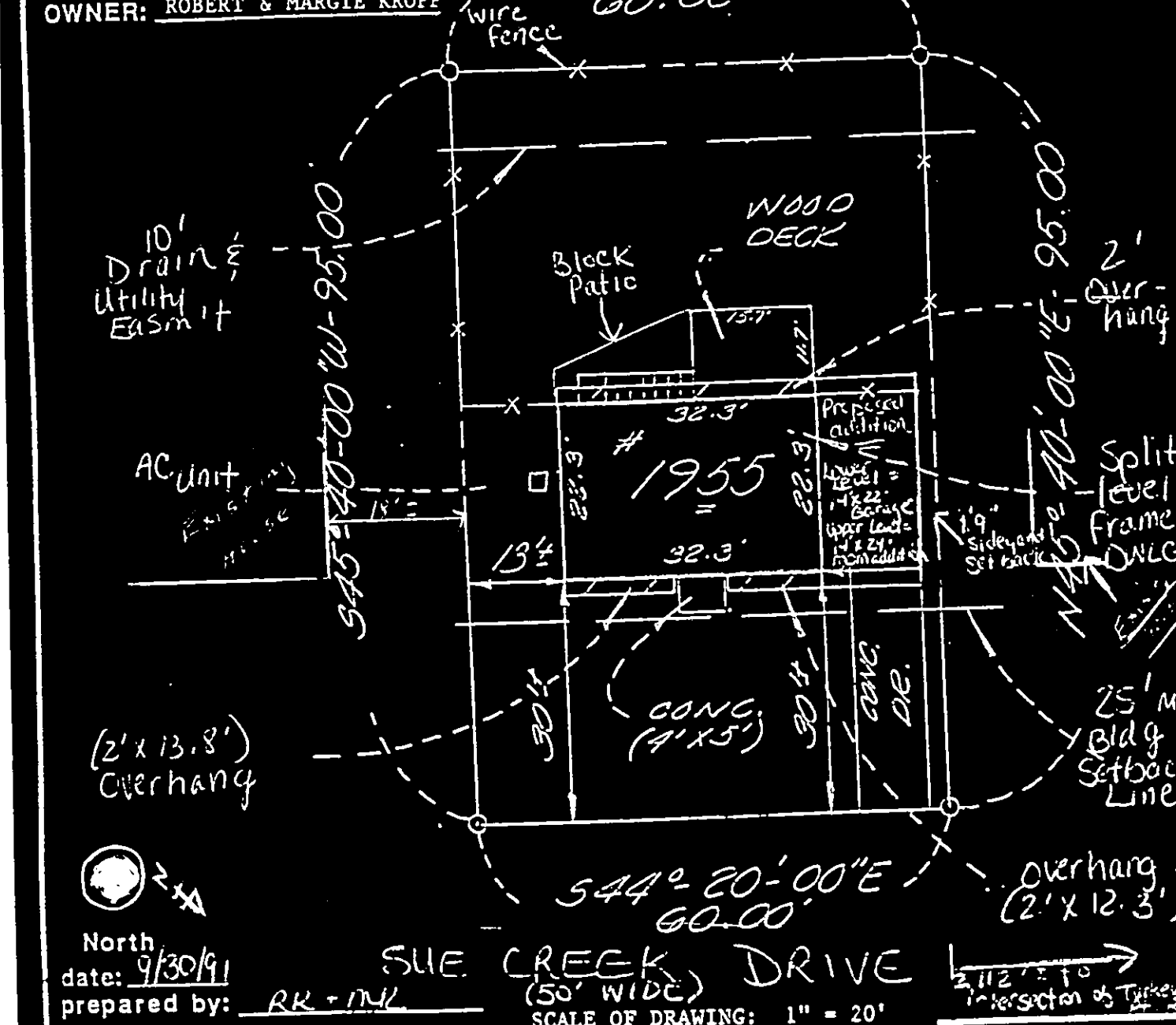
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1955 SUE CREEK DRIVE

Subdivision name: SUE CREEK LANDING

plat book# 2, folio# 7, lot# 38, section#

OWNER: ROBERT & MARGIE KROPP



LOCATION INFORMATION

Councilmanic District: 5TH

Election District: #15

1"=200' scale map#: S.E. 1J

Zoning: D.R. - 5.5

Lot size: 1308 5699
acres square feet

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

164

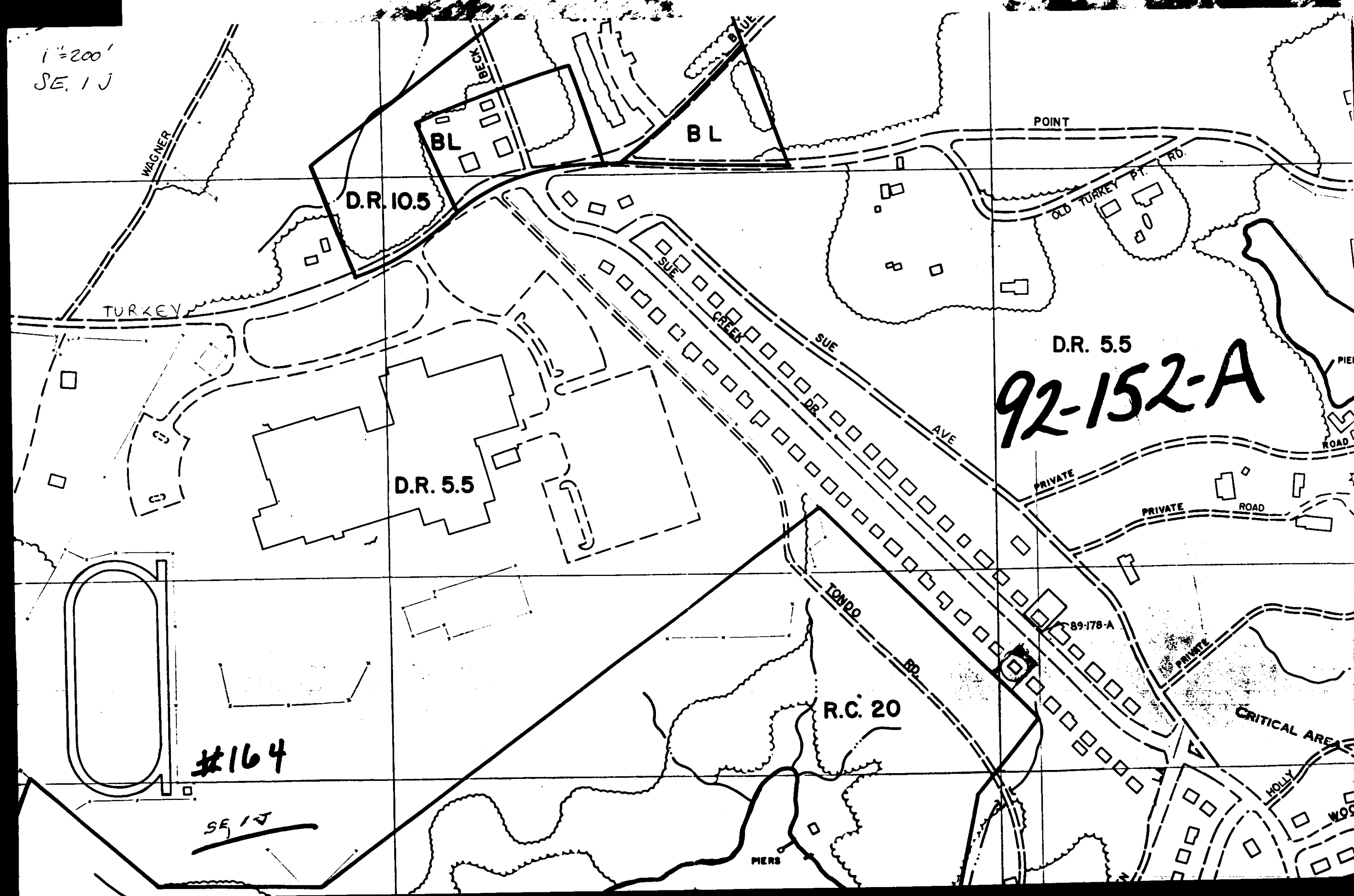
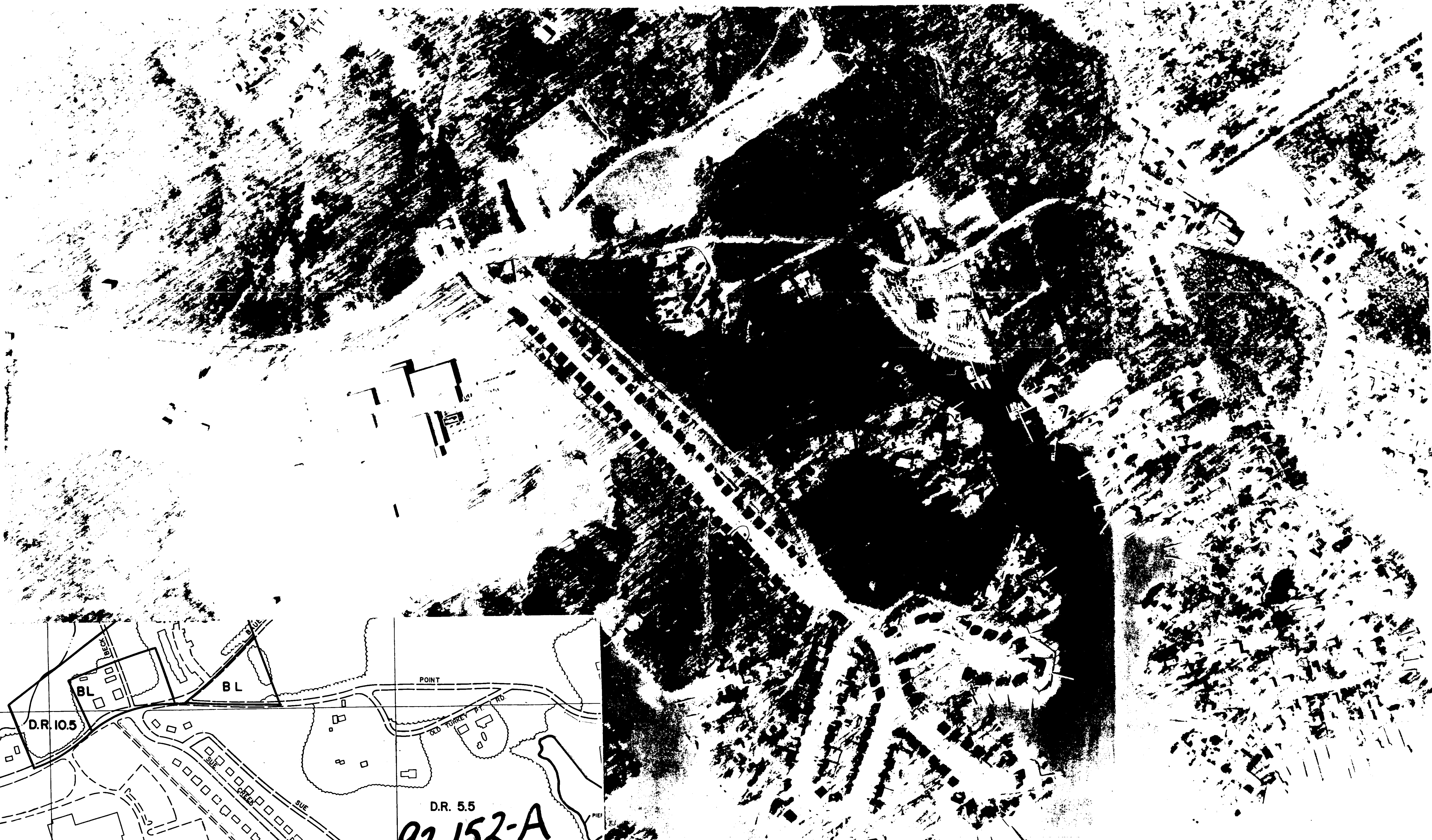
TRI-G CONTRACTORS
1010 FUSELAGE AVE.
BALTIMORE, MD. 21220
391-8469



FRONT

92-152-A





ALTIMORE COUNTY
OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

92-152-A

SCALE	LOCATION	SHEET
1" = 200' ±	TURKEY POINT	SE. 1-J
DATE OF PHOTOGRAPHY JANUARY 1964		

#164

CRITICAL AREA